

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

APR 18 2018

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAUN DELMORE MORTENSON,

Defendant.

CR-06-39-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 3, 2018. (Doc. 404.) No party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 29, 2018. (Doc. 403.) The United States accused Mortenson of four violations of the conditions of his supervised release, including: 1) that he had been terminated from sex offender

treatment; 2) that he had failed to truthfully answer his probation officer's questions; 3) that he had knowingly been in the company of a minor without an approved chaperone; and 4) that he had entered an establishment where alcohol is the primary item of sale. *Id.* Mortenson admitted to the violations.

Judge Johnston has recommended that the Court revoke Mortenson's supervised release and commit Mortenson to the custody of the Bureau of Prisons for seven months. (Doc. 404 at 6.) Judge Johnston further has recommended that a lifetime of supervised release follow this custody period. *Id.* Additionally, Judge Johnston recommended that the Court impose an additional condition of Mr. Mortenson's supervised release prohibiting him from possessing children's undergarments. *Id.*

These violations prove serious and warrant revocation of Mortenson's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 404) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Shaun Delmore Mortenson be sentenced to custody for seven months, with a lifetime of supervised release to follow.

IT IS FURTHER ORDERED that Mr. Mortenson's conditions of supervised release are hereby amended to prohibit him from possessing children's undergarments, as reflected in the judgment.

DATED this 18th day of April, 2018.

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge